

# CALIFORNIA STATE BOARD OF EDUCATION

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Vacancy

*Secretary & Executive Officer*  
Hon. Jack O'Connell

*Executive Director*  
Rae Belisle

# AGENDA

April 9-10, 2003

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## SCHEDULE OF MEETING

## LOCATION

Wednesday, April 9, 2003

9:00 a.m. ±

STATE BOARD OF EDUCATION

Closed Session – IF NECESSARY

(The public may not attend.)

California Department of Education

1430 N Street, Room 1101

Sacramento, California

(916) 319-0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

## CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Amy v. California Dept. of Education, et al.*, Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al., v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al., v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Californians for Justice Education Fund, et al v. State Board of Education*, San Francisco City/County Superior Court, Case No. CPF-03-50227
- *Campbell Union High School District. et al., v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570

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- *Chapman, et al., v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc. v. State of California, et al.*, Sacramento Superior Court, Case No. 00CS00798
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Ephorm, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al.*, Superior Court of San Francisco, Case No. CGC-02-406738
- *Pazmino, et al. v. California State Board of Education, et al.*, San Francisco City/County Superior Court., Case No. CPF-03-502554
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V. v. Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC014071
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236
- *Wilson, et al. v. State Board of Education, et al.*; Los Angeles Superior Court, Case No. BC254081

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

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Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

**PLEASE NOTE THAT ALL AGENDA ITEMS ARE SCHEDULED FOR WEDNESDAY, APRIL 9, 2003, BUT NOTICE IS GIVEN THAT ANY ITEM MAY BE HELD OVER TO THURSDAY, APRIL 10, 2003, IF NECESSARY.**

**THE STATE BOARD OF EDUCATION INTENDS TO ACCOMPLISH ALL OF ITS WORK IN A SINGLE DAY, BUT THE STATE BOARD RESERVES THE RIGHT TO EXTEND THE MEETING TO THURSDAY, APRIL 10, 2003, IF NECESSARY.**

Wednesday April 9, 2003

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION  
Public Session

California Department of Education

1430 N Street, Room 1101  
Sacramento, California  
(916) 319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

**ONLY IF NECESSARY**

Thursday, April 10, 2003

8:00 a.m. ±

STATE BOARD OF EDUCATION  
Closed Session – IF NECESSARY  
(The public may not attend.)

California Department of Education

1430 N Street, Room 1101  
Sacramento, California  
(916) 319-0827

Please see Closed Session Agenda above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

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Thursday April 10, 2003

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION

Public Session

California Department of Education

1430 N Street, Room 1101

Sacramento, California

(916) 319-0827

Please see the detailed agenda for Wednesday, April 9, 2003. The State Board gives notice that any item scheduled for Wednesday, April 9, 2003, may be held over to Thursday, April 10, 2003. The public is welcome.

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY  
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING  
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 319-0827; fax, (916) 319-0176.

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# CALIFORNIA STATE BOARD OF EDUCATION

## FULL BOARD Public Session AGENDA

**April 9-10, 2003**

**Wednesday, April 9, 2003 – 9:00 a.m.± (Upon adjournment of Closed Session if held)**

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

Call to Order

Salute to the Flag

Approval of Minutes (March 2003 Meetings)

Announcements

Communications

REPORT OF THE SUPERINTENDENT

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

<b>ITEM 1</b>	<b>STATE BOARD PROJECTS AND PRIORITIES.</b> Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	<b>INFORMATION ACTION</b>
<b>ITEM 2</b>	<b>PUBLIC COMMENT.</b> Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	<b>INFORMATION</b>
<b>ITEM 3</b>	<b>No Child Left Behind (NCLB) Act, Including, But Not Limited to, Updates on NCLB.</b>	<b>INFORMATION ACTION</b>
<b>ITEM 4</b>	<b>Further discussion of the definition of Highly Qualified Teachers for the No Child Left Behind (NCLB) Act.</b>	<b>INFORMATION</b>

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ITEM 5	No Child Left Behind (NCLB): School Accountability Report Card (SARC).	ACTION
ITEM 6	The May 1, 2003 submission of the State Plan to the United States Department of Education of specified information pertaining to the No Child Left Behind (NCLB) Act, including but not limited to: Goals and Indicators; Setting State Targets; AYP Baseline Data; Adopting academic content standards in math and reading; Developing and implementing required assessments in science; Setting academic achievement standards in science; Evidence of single accountability system; Standards and objectives for English proficiency; Participation rate for statewide assessment; 10 <sup>th</sup> grade common core assessments.	INFORMATION ACTION
ITEM 7	Guidelines for Administering, Scoring and Reporting Locally Adopted Tests of Achievement for Use as Indicators in the Alternative Schools Accountability Model.	ACTION
ITEM 8	Preliminary information for determining adequate yearly progress (AYP) using ASAM indicators for schools that have fewer than the required minimum number of valid test scores.	INFORMATION
ITEM 9	Reading First Program—Criteria for Selection of Independent, External Evaluator.	ACTION
ITEM 10	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, STAR Program Update.	INFORMATION ACTION
ITEM 11	Golden State Exam (GSE) Program: Including, but not Limited to, Update on the GSE Program.	INFORMATION ACTION
ITEM 12	California High School Exit Examination (CAHSEE): Including, but not limited to, CAHSEE Program Update.	INFORMATION ACTION
ITEM 13	California English Language Development Test (CELDT): 2002 Final Annual Assessment Results.	INFORMATION ACTION

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ITEM 14	California English Language Development Test (CELDT): Including, but not limited to, Contractor Summary of Improvements.	INFORMATION ACTION
ITEM 15	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 16	2002-03 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2.	ACTION
ITEM 17	Permanent Regulations Pertaining to Annual Financial Reporting for all K-12 Local Educational Agencies, including Charter Schools, as Required by Assembly Bill 1994 (Chapter 1058, Statutes of 2002).	INFORMATION ACTION

## \*\*\*PUBLIC HEARING\*\*\*

The Public Hearing on the following item will be held at or after 2:00 p.m. as the business of the State Board of Education permits.

ITEM 18	Permanent Regulations Regarding Claims for Average Daily Attendance for Pupils Over the Age of 19 by Charter Schools and Charter Granting Entities.	PUBLIC HEARING ACTION
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## \*\*\*END OF PUBLIC HEARING\*\*\*

ITEM 19	Request by the Academy of Culture and Technology to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education.	INFORMATION ACTION
ITEM 20	Legislative Update: Including, but not limited to, information on committee appointments and legislation.	INFORMATION ACTION
ITEM 21	Title 5 Regulations on Administration of Medication to Pupils at Public Schools.	INFORMATION
ITEM 22	Approval of Local Educational Agencies (LEAs) applications for funding under The Principal Training Program (AB 75).	ACTION

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ITEM 23	AB 75 Principal Training Program (Chapter 697, Statutes of 2001): Including, but not Limited to, Modifications and Clarifications of Criteria and Guidelines for Provider Applicants and Local Education Agencies.	INFORMATION ACTION
ITEM 24	High Priority Schools Grant Program—New Implementation Grant Awards.	ACTION
ITEM 25	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
ITEM 26	Approval of 2002-2003 Consolidated Applications.	ACTION

## WAIVER REQUESTS

## CONSENT MATTERS

## HIGH SCHOOL EXIT EXAMINATION (special education students)

ITEM WC-1	Request by <b>Pleasanton Unified School District</b> to waive <i>Education Code Section 60851(a)</i> , “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. CDSIS-17-12-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-2	Request by <b>San Diego Unified School District</b> to waive <i>Education Code Section 60851(a)</i> , “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for seven special education students. CDSIS-29-1-2003 (Recommended for APPROVAL)	ACTION

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## INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-3	Request by seven school districts for a <b>retroactive waiver of Education Code (EC) Section 60119</b> regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have audit findings for fiscal year 2001-2002 that they <b>1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places.</b> CDSIS-18-2-2003 - Alvina Elementary School District CDSIS-09-2-2003 – Belridge School District CDSIS-02-3-2003 – Chualar Union Elementary School District CDSIS-33-2-2003 – Live Oak Unified School District CDSIS-09-3-2003 – Los Gatos-Saratoga Joint Union High S.D. CDSIS-15-1- 2003 –Orange Center Elementary School District CDSIS-19-2-2003 – Pope Valley School District (Recommended for APPROVAL)	ACTION
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## NONPUBLIC SCHOOL/AGENCY (annual certification)

ITEM WC-4	Request by <b>Los Angeles Unified School District</b> to waive <i>Education Code</i> (EC) section 56366.1(g), the August 1 through October 31 timeline on annual certification renewal application for <b>Total Education Solutions.</b> CDSIS-28-1-2003 (Recommended for APPROVAL)	ACTION
ITEM WC-5	Request by the <b>Bonita Unified School District</b> to waive <i>Education Code</i> (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals for <b>Le Roy Boys Secondary School.</b> CDSIS-8-2-2003 (Recommended for APPROVAL)	ACTION

## RESOURCE SPECIALIST CASELOAD

<b>ITEM WC-6</b>	Request by <b>Oak Grove School District</b> to waive <i>Education Code</i> (EC) 56362 (c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. Resource Specialist <b>Karen Priest assigned at Sakamoto Elementary.</b> CDSIS-1-2-2003 (Recommended for APPROVAL)	ACTION
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<b>ITEM WC-7</b>	Request by <b>Needles Unified School District</b> to waive <i>Education Code</i> (EC) Section 56362 (c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. For Resource Specialist <b>Edward Campbell assigned at Needles Middle School.</b> CDSIS-39-2-2003 (Recommended for APPROVAL)	ACTION
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## SUMMER SCHOOL MEAL MANDATE (renewal)

<b>ITEM WC-8</b>	Request by 10 school districts for a renewal to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session. (See list attached) (Recommended for APPROVAL)	ACTION
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## NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or the President's designee; and action different from that recommended by CDE staff may be taken.

## COMMUNITY DAY SCHOOL

ITEM W-1	Request by <b>Corcoran Unified School District</b> for a waiver of <i>Education Code</i> Section 48661(a) relating to the placement of a community day school on the same site as a continuation high school for the 2003-2004 school year. CDSIS-2-2-2003 (Recommended for APPROVAL)	ACTION
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## CONCURRENT ENROLLMENT COMMUNITY COLLEGE/HIGH SCHOOL

ITEM W-2	Request by <b>City of Santa Rosa High School District</b> to waive <i>Education Code</i> (E.C.) section 76001(h)(i), the five percent (5%) limit on the number of high school students enrollment in a community college. The request is to go up to <b>25%</b> . CDSIS-19-1-2003 (Recommendation will be in Supplemental Mailing)	ACTION
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## HIGH SCHOOL EXIT EXAMINATION (special education students)

ITEM W-3	Request by <b>San Diego City Unified District</b> to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for nineteen special education students. CDSIS-1-12-2002 (Recommended for APPROVAL)	ACTION
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ITEM W-4	Request by <b>Fallbrook Union High School District</b> to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student. CDSIS-8-3-2003 (Recommended for APPROVAL)	ACTION
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## INSTRUCTIONAL MATERIALS

<b>ITEM W-5</b>	General waiver request of <i>Education Code</i> Sections 60450 (b) and 60451(b) – Schiff-Bustamante Standards-Based Instructional Materials Program by <b>Victor Elementary School District</b> to purchase non-adopted Instructional Resources ( <i>Houghton Mifflin Mathematics, Grade 6</i> ) using Schiff-Bustamante Funds. CDSIS-15-2-2003 (Recommended for APPROVAL)	ACTION
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## INSTRUCTIONAL TIME PENALTY

<b>ITEM W-6</b>	Request by <b>Emery Unified School District</b> for fiscal year <b>2000-2001</b> to waive <i>Education Code (EC)</i> Section 46201(c), the requirement to offer 64,800 minutes at the ninth through twelve grades at Emery High School. For fiscal year <b>2001-2002</b> , Emery Unified School District requests a waiver for <i>Education Code</i> Section 46201(d), the requirement to offer 64,800 minutes at the ninth through twelve grades at <b>Emery High School</b> . CDSIS-10-1-2003 CDSIS-25-3-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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## NONPUBLIC SCHOOL/AGENCY (child specific)

<b>ITEM W-7</b>	Request by <b>Soquel Union Elementary School District</b> to waive <i>Education Code (EC)</i> Section 56366.1 (a), certification for an uncertified nonpublic school, <b>Wediko Children's Services Inc.</b> located in <b>Windsor, New Hampshire</b> to provide services to one special education student, <b>Michael N.</b> CDSIS-1-10-2002 (Recommended for APPROVAL)	ACTION
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## RESOURCE SPECIALIST CASELOAD

<b>ITEM W-8</b>	Request by <b>Alhambra School District</b> to waive <i>Education Code (EC)</i> 56362 (c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for Resource Specialist <b>Janine Lai assigned at Ynez Elementary</b> . CDSIS-25-1-2003 (Recommended for APPROVAL)	ACTION
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## SUPPLEMENTAL INTERVENTION FUNDS

<b>ITEM W-9</b>	Request by <b>Fresno Unified School District</b> to waive <i>Education Code</i> (EC) section 37252(e) to allow the district to receive funds made available for “intervention funds” in the time periods specified by statute to be used <b>throughout the regular school day</b> (specific waiver authority EC 37252.1(a)(1)(A)) and EC 37202, the equity length of time requirement (general waiver authority) for students at <b>Cooper Middle School</b> . CDSIS-40-2-2003 (Recommended for APPROVAL WITH CONDITION)	ACTION
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## SUMMER SCHOOL MEAL MANDATE (renewal)

<b>ITEM W-10</b>	Request by <b>Dunsmuir Joint Union School District</b> for a renewal to waive <i>Education Code</i> (EC) section 49550, the State Meal Mandate during the summer school session. CDSIS-16-2-2003 (Recommended for DENIAL)	ACTION
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**Thursday, April 10, 2003 – 8:00 a.m.± (Upon adjournment of Closed Session if held)**

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

Call to Order

Salute to the Flag

Announcements

Communications

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

**SPECIAL PRESENTATIONS**

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEMS DEFERRED FROM WEDNESDAY’S SESSION

**PLEASE NOTE THAT ALL AGENDA ITEMS ARE SCHEDULED FOR WEDNESDAY, APRIL 9, 2003, BUT NOTICE IS GIVEN THAT ANY ITEM MAY BE HELD OVER TO THURSDAY, APRIL 10, 2003, IF NECESSARY.**

**THE STATE BOARD OF EDUCATION INTENDS TO ACCOMPLISH ALL OF ITS WORK IN A SINGLE DAY, BUT THE STATE BOARD RESERVES THE RIGHT TO EXTEND THE MEETING TO THURSDAY, APRIL 10, 2003, IF NECESSARY.**

**ADJOURNMENT OF MEETING**